

Present: President Mercer; President Pro-Tem Briggs; Members: Burry, Kelly, LaFerriere, Mooney and Oen

Absent: None

Also Present: Manager, Wilson
Assistant Manager/Clerk, Marshall
Village Attorney, Ryan

President Mercer called the regular Council meeting to order at 7:30 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road. The Pledge of Allegiance was recited by those in attendance.

ADDITIONS TO AGENDA/APPROVE AGENDA

Motion by Mooney, second by Oen, to approve the agenda as published.

Motion passed.

COMMUNITY ANNOUNCEMENTS

None

CONSENT AGENDA

Motion by Oen, second by Mooney, to approve the consent agenda as follows:

- a. Consider approval of minutes of a regular Council meeting held August 5, 2014.
- b. Review and file bills recapped as of Monday, August 11, 2014.
- c. Consider appointing representatives to the Michigan Municipal League Annual Business Meeting.
- d. Review and consider 2015 Council meeting dates.
- e. Consider application for SMART Fiscal Year 2015 Municipal and Community Credit Agreement.

Motion passed.

BUSINESS AGENDA

SECOND ANNOUNCEMENT OF VACANCY ON THE ZONING BOARD OF APPEALS

LaFerriere made the second announcement of a vacancy on the Zoning Board of Appeals for one alternate member with a term expiring June 30, 2015. The deadline for receiving applications is Friday, August 22, 2014 at 4:30 p.m. A subcommittee of Council chaired by LaFerriere will meet on September 2 at 7:15 p.m. to consider candidates for the position and make a recommendation to Council on an appointment.

Council member Kelly entered the meeting at 7:35 p.m.

FIRST READING OF AN ORDINANCE ADDING CHAPTER 30 TO THE VILLAGE MUNICIPAL CODE TITLED SURFACE WATER DRAINAGE

Attorney Tom Ryan stated that this ordinance will add a Chapter in the Village Ordinance to control surface water drainage in the Village of Beverly Hills. A memo from the Director of Public Services indicates that the MDEQ is currently auditing the practices and policies of all certificate of coverage holders for storm water management. The Village of Beverly Hills' on-site audit was held on September 20 and 24, 2013. At the time of the audit several issues arose that needed to be addressed by the Village to stay in compliance with Part 31 Water Resource Protection of the Natural Resources and Environmental Protection Act, 1994 PA 451. Two of those issues involve the Village's Natural Pollutant Discharge Elimination System Permit #MIG619000 and Municipal Storm Water Management Certificate of Coverage #MIG610005, which require more effective ordinance language. The proposed ordinance will bring the Village's ordinances into compliance with the requirements of Part 31 of the Act.

Attorney Ryan read the Purpose of Chapter 30 as follows:

(1) Purpose. The purpose of this Chapter is to provide for the health, safety, and general welfare of the citizens of the Village of Beverly Hills and protect all water bodies within the Village and the Great Lakes through the regulation of illicit discharges to the municipal separate storm sewer system as required by federal and state law. This Chapter establishes methods of controlling the discharge of pollutants into the Municipal separate storm sewer system owned or operated by the Village of Beverly Hills in order to comply with the requirements of the Clean Water Act and State of Michigan National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System (MS4) Permit program. The objectives of this Chapter are: (a) to regulate the contribution of pollutants to the municipal separate storm sewer system associated with discharges from any user of the municipal separate storm sewer system. (b) To prohibit illicit connections and discharges to the municipal separate storm sewer system. (c) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this Chapter.

Ryan indicated that Beverly Hills, through its consulting engineers Hubbell, Roth & Clark, and in conjunction with the Village's NPDES permit are obligated to have a system in place by December 31, 2014 to deal with storm water discharge. Ryan outlined each section of the ordinance including Illicit Discharge Control, Applicability, Responsibility for Administration, Ultimate Responsibility, Discharge Prohibitions, Waste Disposal Prohibitions, Watercourse Protections, Discharges in Violation of Industrial or Construction Activity NPDES Storm Water Discharge Permit, Monitoring of Discharges, Notification of Violation, Requirement to Remediate, and Appeal.

Ryan and Wilson addressed questions from Council primarily relative to sections of the ordinance pertaining to illicit discharges. In response to an inquiry, Ryan clarified that this is a public health and safety ordinance and does not allow grandfathering. There will be a second reading on this ordinance at the next regularly scheduled Council meeting. Council will consider adoption of the ordinance at that time.

REFER AN ORDINANCE TO THE PLANNING COMMISSION AMENDING CHAPTER 22 OF THE VILLAGE MUNICIPAL CODE ADDING A SECTION REGARDING MAINTENANCE AGREEMENTS UNDER SITE DEVELOPMENT REQUIREMENTS

Wilson stated that the proposed ordinance addresses maintenance agreements as part of the Village's Site Plan Development Requirements related to storm water discharge. Administration is requesting that Village Council refer this Ordinance Amendment to the Planning Commission for its review and comment. The proposed Ordinance will require the Planning Commission and Council to approve a Storm Water Management Agreement for any new development.

In response to an inquiry from Mooney, Wilson stated that Village legal counsel has recommended that Council refer this item to the Planning Commission.

Motion by Oen, second by Briggs, that the Village Council refer an Ordinance to Amend Chapter 22 of the Village Municipal Code adding a section regarding maintenance agreements under site development requirements to the Planning Commission for review and comment.

Ayes – Briggs, Burry, Kelly, LaFerriere, Mercer, Oen
Nays – Mooney
Motion passed.

REVIEW AND APPROVE HUBBELL, ROTH & CLARK INVOICES FOR PAYMENT

Motion by Kelly, second by Mooney, to allow Council member Kelly to abstain from voting on the invoice received from Hubbell, Roth & Clark based on her business relationship with the vendor.

Ayes – Briggs, Burry, LaFerriere, Mercer, Mooney, Oen
Abstain - Kelly
Motion passed.

Motion by Oen, second by LaFerriere, that the Village of Beverly Hills Council approve the invoices submitted by Hubbell, Roth & Clark Inc. for professional services in the amount of \$32,884.54 for the period ending July 12, 2014.

Ayes – Briggs, Burry, LaFerriere, Mercer, Mooney, Oen
Abstain - Kelly
Motion passed.

PUBLIC COMMENTS

None

REPORTS – MANAGER

Wilson reported that the Road Commission for Oakland County has announced that Lahser Road between 12 and 13 Mile Roads will be reopened to through traffic on Thursday, August 21.

Wilson talked about the severe rain event that occurred in the area on Monday, August 11. Beverly Hills fared well during the heavy rains and associated flooding that impacted much of metro Detroit. It has been questioned why the Village did not have the problems experienced in other communities. Administration with assistance from HRC was able to obtain rainfall data from Oakland County. Wilson said that the lack of flooding in the Village was, to some extent, due to sewer infrastructure projects undertaken by Village Administration and Council over past years. However, the rain gauge shows that it did not rain as much in Beverly Hills as it did to the east. The rain gauge at the Douglas Evans nature area recorded 2.82 inches of rain within 7.5 hours; five miles to the east experienced 5.52 inches of rain in the same period.

The Village experienced at least a 10-year rain event, and probably closer to a 25-year rain event. The Village's system, like most municipal systems, is designed to handle a 10-year rain event. Beverly Hills handled this rainfall with no instances of the Village's sewer system backing up into people's homes. The Village received only a few isolated reports of water in basements; those incidents appear to have been the result of problems with footing drains or sewer lines. The rain levels seen in Oakland County to the east and south would equal between a 200 year and 300 year rain event. Wilson suggested that the sewer interceptor work that the Village undertook ten years ago made a tremendous difference for the community. Village Administration also believes that the installation of restrictor plates in areas on the east side of the Village and recent efforts to clean and inspect the sewer system also prevented backups that would have otherwise occurred.

Wilson remarked that problems associated with the rainfall continue. The Village had its trash picked up on time last week and this week. Other communities in southeastern Oakland County have put out huge volumes of trash, which is causing tremendous stress on the SOCRRA facility. Until further notice, that facility is closed to the general public. Wilson said the Village will attempt to notify residents if there is a delay in trash collection next week due to ongoing problems.

LaFerriere questioned what preventive actions residents could take to prevent sewer backups. Wilson responded that back flow preventers may help. If residents begin to experience slow drainage and backups, they should contact someone to check for root intrusion in the sewer lead. The Village can also check its sewers to make sure that the mains are open and free of debris.

REPORTS – COUNCIL

LaFerriere announced that his house is for sale and he and his wife will be moving out of the Village. He will have to give up his seat on Council at some point in the future. LaFerriere said that he was grateful for the opportunity to serve on the Beverly Hills Council.

Mooney expressed regret that LaFerriere is leaving Council. He congratulated LaFerriere's stepson who is headed to Yale after graduating from Seaholm High School. Mooney also congratulated all Groves High School graduates who are going on to colleges this month.

Oen said that he was thankful that the Village did not receive the volumes of rain that fell in communities to the east and south.

Mercer thanked Administration for its efforts last week in managing communication relative to the rain event. Beverly Hills was fortunate that it did not receive the amount of rain and flood damage experienced in neighboring communities. Mercer also commended the Beverly Hills Public Safety Department for doing a great job. He appreciates their service every day.

Motion by Mooney, second by Oen, to adjourn the meeting at 8:05 p.m.

Motion passed.

Tim Mercer
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary